

86<sup>th</sup> Legislative Session – 2011

Committee: Senate State Affairs

Wednesday, February 16, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Cutler  
P Frerichs  
P Garnos  
P Gray  
P Johnston  
P Tieszen  
P Olson (Russell), Vice-Chair  
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14, 2011

Moved by: Cutler  
Second by: Garnos  
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF PAT COSTELLO OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF TOURISM & STATE DEVELOPMENT

Moved by: Johnston  
Second by: Cutler  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

MOTION: CONFIRM REAPPOINTMENT OF PATRICIA LEBRUN OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

Moved by: Adelstein  
Second by: Frerichs  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

SB 56: revise the qualifications of a county veterans' service officer.

Presented by: Senator Eldon Nygaard  
Proponents: Wade Hubbard, State Veterans Commission

MOTION: DEFER SB 56 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Olson (Russell)  
Second by: Johnston  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

SB 150: provide for entertainment for the good of South Dakota.

Presented by: Senator Larry Tidemann

MOTION: DEFER SB 150 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein  
Second by: Garnos  
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Johnston, Tieszen, Olson (Russell), Rhoden

Excused: Gray

SB 201: restrict the application of certain foreign laws, legal codes, and system with respect to state legal proceedings.

Presented by: Senator Dan Lederman  
Proponents: David Yerushalim, self, New York, NY  
Opponents: Tom Barnett, State Bar Association of South Dakota  
Sam Ellingson, ACLU of SD  
David Owen, SD Chamber of Commerce & Industry  
Tim Dougherty, Citibank of South Dakota  
Steve Siegel, SD Trial Lawyers

Marty Yackley, Attorney General, was call forward by the Chair for clarification of certain points.

MOTION: DEFER SB 201 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gray  
Second by: Garnos  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 201

Moved by: Adelstein  
Second by: Frerichs  
Action: Failed by roll call vote. (3-6-0-0)

Voting Yes: Adelstein, Cutler, Johnston

Voting No: Frerichs, Garnos, Gray, Tieszen, Olson (Russell), Rhoden

MOTION: DEFER SB 201 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gray  
Second by: Garnos  
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

Voting No: Adelstein

SB 170: amend the South Dakota Uniform Securities Act with certain provisions relating to fraud and civil liability.

Presented by: Senator Dan Lederman  
Proponents: David Yerushalim, self, New York, NY  
Opponents: Erin McIntyre Menkhaus, SD Securities Division

Tom Barnett, State Bar Association of South Dakota  
Dave Gerdes, Securities Industry and Financial Markets Association  
Sam Ellingson, ACLU of SD  
Bob Miller, BankWest Pierre

MOTION: DEFER SB 170 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gray  
Second by: Johnston  
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

THE CHAIR DEFERRED SB 174 UNTIL TUESDAY, FEBRUARY 22, 2011

THE CHAIR DEFERRED SB 134 UNTIL TUESDAY, FEBRUARY 22, 2011

THE CHAIR DEFERRED SB 135 UNTIL TUESDAY, FEBRUARY 22, 2011

MOTION: ADJOURN

Moved by: Cutler  
Second by: Garnos  
Action: Prevailed by voice vote.

Cheri Hauschild  
Committee Secretary

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Larry Rhoden, Chair